PATENT
Attorney Docket No.: 016770-002721US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Examiner: G. Dawson
Yehuda Ivri et al.	Art Unit: 3731
Application No.: 09/551,408	
Filed: April 18, 2000	
For: METHODS AND APPARATUS FOR STORING CHEMICAL COMPOUNDS IN A PORTABLE INHALER	

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT B

Sir:

In response to the Office Action mailed July 24, 2006 please enter the following amendments and remarks.

The due date for filing a response was October 24, 2006. Applicants have submitted herewith a Petition and fee to extend the time for such filing by one month, to November 24, 2006. (37 C.F.R. § 1.136(a)).

PATENT

RESPONSE TO RESTRICTION REQUIREMENT

37 C.F.R. §1.115

By the Office Action, pending claims 40-56 have been subjected to a restriction requirement wherein newly submitted claims 44-46 were alleged as independent or distinct from claims 40-43. It was contended that the inventions are distinct because:

> the new claims are apparatus claims and as such, would be restrictable from the claimed method or process claims because a materially different process could be used to manufacture the claimed product such as it could have been molded or stamped instead of electroformed.

However, applicant notes that common to both sets of claims are the elements of a vibratory element comprising a palladium or palladium nickel alloy, a plurality of tapered apertures, and emission of liquid droplets upon vibration of the vibratory element.

Applicants hereby traverse the restriction requirement. Traverse is premised on the ground that a combined search of the two Groups does not impose an undue burden on the Examiner. As stated in the Manual of Patent Examining Procedure ("MPEP"),

> [i]f the search and examination of an entire application can be made **without serious burden,** the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. Section 803

In view of the relationship of the claims as apparatus and method of using, a search of potential art in this classification is simultaneously useful for each of these two Groups. In view of the above, it is therefore believed that search and examination of the entire application can be made without serious burden to the Examiner.

Applicants have responded to the Examiner's request for restriction by provisionally electing to prosecute Claims 40-43 (Group I), for examination purposes, and do so with traverse. By the election it is understood that Applicants neither agree nor disagree with the Examiner's characterization of the above-identified patentably distinct inventions Applicants' election is

intended merely to expedite the prosecution in this case. In view of the foregoing remarks, reconsideration of the restriction requirement is respectfully requested.